

1 WILLIAM BLUMENTHAL
2 General Counsel

3 JOHN F. DALY
4 Deputy General Counsel - Litigation

5 JOHN ANDREW SINGER
6 Attorney - Office of the General Counsel
7 Federal Trade Commission
8 600 Pennsylvania Ave., NW
9 Washington, DC 20580
Telephone: (202) 326-3234
Facsimile: (202) 326-2447
Email: jsinger@ftc.gov

10 MICHAEL MORA
11 JULIE MACK
12 Attorneys - Division of Enforcement
Bureau of Consumer Protection

13 ATTORNEYS FOR FEDERAL
14 TRADE COMMISSION

15 IN THE UNITED STATES DISTRICT COURT
16 FOR THE NORTHERN DISTRICT OF CALIFORNIA
17 SAN JOSE DIVISION

18 _____)
19 THE BILLING RESOURCE d/b/a INTEGRETTEL,)
20 Debtor-Plaintiff-Appellee,)
21 v.)
22 FEDERAL TRADE COMMISSION et al.,)
23 Defendant-Appellant.)
24 _____)

No. 5:07-CIV-5758-JW

Date: No Hearing Scheduled

Judge: Hon. James Ware

25 On Appeal from the United States Bankruptcy Court for the Northern District
26 of California, No. 07-52890, Adversary Proceeding No. 07-5156 (Weissbrodt)

27 **STIPULATION CONCERNING**
28 **APPEALS BY THE FEDERAL TRADE COMMISSION**

1 Defendant-appellant the Federal Trade Commission ("Commission") and debtor-plaintiff-
2 appellee The Billing Resource dba Integretel ("Integretel") hereby stipulate that the two appeals by the
3 Commission pending before this Court (Dkt Items 1 and 11) be consolidated for all purposes and that
4 the briefing schedule for these appeals mandated by N.D. Cal. Bankr. L. R. 8007-1(b) be vacated. In
5 support of this Stipulation, the Commission and Integretel state:

7 1. Defendant-Appellant the Federal Trade Commission has two appeals pending before
8 this Court from the United States Bankruptcy Court for the Northern District of California: (a) the
9 appeal of a November 7, 2007, preliminary injunction (Dkt Item 1); and (b) the appeal of a November
10 27, 2007, preliminary injunction (Dkt Item 11).

12 2. Both of these appeals are docketed at the same civil action number, No. 5:07-CIV-5758-
13 JW.

15 3. The Commission and Integretel stipulate that these two appeals should be consolidated
16 for all purposes including, but not limited to, briefing.

18 4. The record on appeal for the Commission's two appeals was received by the Clerk of
19 this Court from the bankruptcy court on January 14, 2008 (Dkt Items 42, 43 and 44). As a result, the
20 default briefing schedule pursuant to N.D. Cal. Bankr. L. R. 8007-1(b) is: (a) the Commission's
21 opening brief(s) shall be served filed not later than February 13, 2008; (b) Integretel's appellee's
22 brief(s) shall be served and filed within twenty days of the after service of the Commission's opening
23 brief(s); and (c) the Commission's reply brief(s) shall be served and filed within ten days of the after
24 service of Integretel's appellee's brief(s).

26 5. The Receiver in the Commission's civil law enforcement action against Integretel
27 pending in the United States District Court for the Southern District of Florida filed his own separate
28 appeal of the bankruptcy court's November 27, 2007, preliminary injunction. The Receiver's appeal is

1 docketed before this Court at No. 5:07-CV-6210-JF. The Clerk of this Court received the record on
2 appeal from the bankruptcy court on January 23, 2008, so, pursuant to N.D. Cal. Bankr. L. R. 8007-
3 1(b), the Receiver's opening brief would not be due until February 22, 2008.
4

5 6. On January 24, 2008, the Receiver filed a Notice of Pendency of Related Action or
6 Proceeding concerning his appeal (Dkt Item 52), seeking to consolidate his appeal with the
7 Commission's two appeals before the Hon. James Ware. The Commission and Integretel both believe
8 that the Receiver's appeal is related to the Commission's two appeals and should be transferred to
9 Judge Ware and consolidated with the Commission's appeals.
10

11 7. Due to the possible consolidation of the Commission's two appeals and the Receiver's
12 appeal, the Commission and Integretel request that the default briefing schedule set by N.D. Cal.
13 Bankr. R. 8007-1(b) should be vacated. A new briefing schedule can be established after this Court
14 makes its decision concerning the proposed consolidation of these three appeals.
15

16 /s/
17 JOHN ANDREW SINGER
18 Attorney - Office of the General Counsel
19 Federal Trade Commission
20 600 Pennsylvania Ave., NW
21 Washington, DC 20580
22 Telephone: (202) 326-3234
23 Facsimile: (202) 326-2447
24 Email: jsinger@ftc.gov
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